

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

RONNY H. CANNON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-06-383-L
	)	
	)	
JO ANNE B. BARNHART,	)	
Commissioner, Social Security	)	
Administration,	)	
	)	
Defendant.	)	

**ORDER**

On November 15, 2006, Magistrate Judge Doyle W. Argo entered his Report and Recommendation in this action brought by plaintiff for judicial review pursuant to 42 U.S.C. §405(g) of the defendant Commissioner's final decision denying plaintiff's applications for disability insurance and supplemental security income benefits. The Magistrate Judge recommended that the decision of the defendant Commissioner be affirmed.

The court file reflects that plaintiff has filed his Objections to the Magistrate Judge's Recommendations and Supporting Argument, which the court has carefully considered. Plaintiff raises the same issue in his objection as he raised before the Magistrate Judge, namely, that the administrative law judge committed

legal error because he failed to fulfill his duty to develop the record by obtaining the medical evidence related to plaintiff's Veterans Administration disability benefits.

In rejecting this very argument, the Magistrate Judge carefully reviewed the administrative record and determined that the VA medical records themselves, upon which plaintiff's VA disability rating was based, are part of the administrative record. The Magistrate Judge properly found that the administrative law judge's failure to acquire the disability rating when the records upon which the rating was based were before him was not a violation of the ALJ's duty to develop the record and distinguished this case from the authority cited by plaintiff.

The Magistrate Judge also properly concluded that the administrative law judge obviously considered the fact that plaintiff was receiving the 100% disability benefit from the VA, since the ALJ references the corresponding disability amount (\$813.00 per month) that plaintiff testified to at the hearing.

Upon thorough review of plaintiff's objections, the court finds that they are insufficient to justify overturning the conclusions of the Magistrate Judge. The Magistrate Judge properly found that the record provides substantial evidence to support the final decision of the Commissioner to deny plaintiff's application for disability insurance and supplemental security income benefits.

Thus, upon *de novo* review, the court finds that the Report and Recommendation should be and is hereby adopted in its entirety. Accordingly, the decision of the Commissioner is **AFFIRMED**.

It is so ordered this 14th day of December, 2006.

  
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TIM LEONARD  
United States District Judge